



City of Las Vegas

Agenda Item No.: 36.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 29, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-38586 - VARIANCE - PUBLIC HEARING - APPLICANT: McDONALDS USA, LLC - OWNER: FRANCHISE REALTY INTERNATIONAL CORP. - A request for a Variance TO ALLOW 40 PARKING SPACES WHERE 23 SPACES ARE REQUIRED FOR A PROPOSED 5,153 SQUARE-FOOT RESTAURANT, 2515 East Owens Avenue (APNs 139-25-101-002, 003 and 005), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. (NOTE: APN should reflect 139-25-101-004 not 139-25-101-005)

P.C.: FINAL ACTION Unless Appeared within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-38586, VAR-38587 and SDR-38585
2. Conditions and Staff Report - VAR-38586, VAR-38587 and SDR-38585
3. Supporting Documentation
4. Photos - VAR-38586, VAR-38587 and SDR-38585
5. Justification Letter
6. Protest Postcard and Telephone Approval Log VAR and -38586 and VAR-38587
7. Recordation Notices of Council Action and Conditions of Approval for VAR-38586, VAR-38587 and SDR-38585

Motion made by STEVEN EVANS to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-None)

NOTE: Under Item 34, CHAIR TRUESDELL disclosed that he is currently working with the applicant on projects, so he abstained from voting on Items 36-38 as well.

Minutes:

VICE CHAIR ELLSWORTH declared the Public Hearing open for Items 36-38.

PLANNING COMMISSION MEETING OF: JULY 29, 2010

DOUG RANKIN, Planning and Development, explained that the applicant desires to demolish the existing restaurant and replace it with a larger one with reduced landscaping. Staff recommended denial, since the hardship is self-imposed by designing a plan that is overbuilt and under parked. If denied, the existing restaurant would remain, but the applicant could redesign the site per Title 19 standards.

Regarding the submitted elevations, MR. RANKIN confirmed that there are no advertising signs on the drive-through incidental sign. In addition, he clarified that the application was noticed correctly; however, there was an error on the parcel numbers. The correct parcel numbers should reflect 139-25-151-002, 003 and 004.

CHRIS WINTER, Spectrum, 8905 West Post Road, Suite 100, appeared on behalf of the applicant. MR. WINTER stated the site has been in existence for over 30 years, and his client would like to demolish the site and rebuild a new McDonalds. MR. WINTER used the overhead to display several photos of the existing site, proposed development, surrounding areas and samples of signage/readers boards. Due to the size of the parcel and narrowness of the west portion, it is not possible to meet all of the landscaping requirements. Although the footprint is changing relative to total square footage, the seating area is impacted and the improvements will be dramatic.

COMMISSIONER EVANS desired to see color schemes and proposed landscaping, not just the elevations. He was cautious in not creating a bigger mistake with a development that was built in the 1970s and allow current development that would, once again, lack sufficient landscaping. MR. WINTER responded that the eastern and western sides of the site will have a shortage in landscaping; however, there will be plenty of trees within the site itself to compensate for the shortage. After further discussion with the Commission about the design, parking and signage components, MR. WINTER asked that Condition 18 on Item 38 be amended so that the landscaping issue can be worked out with staff. MR. WINTER accepted the conditions and respectfully asked for approval.

TODD FARLOW suggested the applicant and property owner of an adjacent 7-11 convenient store agree on placing a tree in the limited area space on site. He did not agree that the existing basement should be eliminated.

Given that the applicant is making efforts to upgrade their establishment and is committed to finding ways to compensate for the challenged landscaped areas, COMMISSIONER EVANS supported the request.

Regarding Item 38, MARGO WHEELER, Director of Planning and Development, confirmed that Condition 6 would be deleted and read an additional condition pertaining to the perimeter trees. LUCIEN PAET, Public Works, read an amendment to Condition 18. MR. WINTER accepted all of the amendments and conditions as well.

VICE CHAIR ELLSWORTH declared the Public Hearing closed for Items 36-38.